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PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0996-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
**Véronique FERRARI et al.** )  
)  
Application No.: 09/987,427 ) Group Art Unit: Unassigned  
)  
Filed: November 14, 2001 ) Examiner: Unassigned  
)  
For: COSMETIC COMPOSITION )  
COMPRISING A POLYMER )  
PARTICLE DISPERSION AND A )  
PIGMENT DISPERSION (AS )  
AMENDED) )

Commissioner for Patents  
Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

Prior to the examination of the above application, please amend this application as follows:

**IN THE TITLE:**

Please delete the title and add a new title as follows:

**COSMETIC COMPOSITION COMPRISING A POLYMER PARTICLE DISPERSION  
AND A PIGMENT DISPERSION**

**IN THE CLAIMS:**

Please cancel claims 1-35 without prejudice or disclaimer.

Please add new claims 36-74 as follows.

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01 FE:102  
02 FE:103

252.00 OP  
54.00 OP

36. (New) A composition for application to a keratin material, comprising:

- a physiologically acceptable medium comprising at least one liquid fatty phase;
- a colloidal dispersion comprising particles that are solid at room temperature, the particles being stabilized with at least one dispersant, wherein said particles are chosen from pigments, nacles, fillers, and mixtures thereof; and
- a dispersion comprising polymer particles that are surface-stabilized in said at least one liquid fatty phase with at least one stabilizer.

37. (New) The composition according to claim 36, wherein the particles in the colloidal dispersion comprise colored particles.

38. (New) The composition according to claim 36, wherein the colloidal dispersion is present in said composition in an amount ranging from 0.5% to 60% by weight, relative to the total weight of the composition.

39. (New) The composition according to claim 38, wherein the colloidal dispersion is present in said composition in an amount ranging from 2% to 50% by weight, relative to the total weight of the composition.

40. (New) The composition according to claim 39, wherein the colloidal dispersion is present in said composition in an amount ranging from 2% to 40% by weight, relative to the total weight of the composition.

41. (New) The composition according to claim 36, wherein the at least one dispersant is present in said composition in an amount ranging from 0.3 to 5 mg/m<sup>2</sup> of the total surface area of the particles in the colloidal dispersion.

42. (New) The composition according to claim 41, wherein the at least one dispersant is present in said composition in an amount ranging from 0.5 to 4 mg/m<sup>2</sup> of the total surface area of the particles in the colloidal dispersion.

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43. (New) The composition according to claim 36, wherein the at least one dispersant is chosen from poly(12-hydroxystearic acid) stearate, poly(12-hydroxystearic acid), and 2-dipolydiglyceryl hydroxystearate.

44. (New) The composition according to claim 36, wherein the at least one liquid fatty phase comprises a fatty substance that is liquid at room temperature.

45. (New) The composition according to claim 36, wherein the polymer particles comprise a film-forming polymer.

46. (New) The composition according to claim 36, further comprising at least one ingredient chosen from cosmetic and dermatological active agents.

47. (New) The composition according to claim 36, wherein the polymer particles comprise at least one polymer chosen from free-radical polymers, polycondensates, and polymers of natural origin.

48. (New) The composition according to claim 36, wherein the polymer particles comprise at least one polymer chosen from polyurethanes, polyurethane-acrylics, polyureas, polyurea-polyurethanes, polyester-polyurethanes, polyether-polyurethanes, polyesters, polyesteramides, polyesters containing a fatty chain, alkyds, acrylic polymers, vinyl polymers, acrylic and vinyl copolymers, acrylic-silicone copolymers, polyacrylamides, silicone polymers, and fluoro polymers.

49. (New) The composition according to claim 36, wherein the at least one liquid fatty phase comprises at least one oil chosen from carbon-based oils, hydrocarbon-based oils, fluoro oils, and silicone oils of mineral, animal, plant, and synthetic origin.

50. (New) The composition according to claim 36, wherein the at least one liquid fatty phase comprises at least one substance chosen from liquid paraffin, liquid petroleum jelly, mink oil, turtle oil, soybean oil, perhydrosqualene, sweet almond oil, beauty-leaf oil, palm oil, parleam oil, grapeseed oil, sesame oil, corn oil, rapeseed oil, sunflower oil, cottonseed oil, apricot oil, castor oil, avocado oil, jojoba oil, olive oil, cereal germ oil, esters of lanolic acid, esters of oleic

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acid, esters of lauric acid, esters of stearic acid, isopropyl myristate, isopropyl palmitate, butyl stearate, hexyl laurate, diisopropyl adipate, isononyl isononate, 2-ethylhexyl palmitate, 2-hexyldecyl laurate, 2-octyldecyl palmitate, 2-octyldodecyl myristate, 2-octyldodecyl lactate, di(2-ethylhexyl) succinate, diisostearyl malate, glyceryl triisostearate, diglyceryl triisostearate, myristic acid, palmitic acid, stearic acid, behenic acid, oleic acid, linolenic acid, isostearic acid, stearyl alcohol, oleyl alcohol, linolenyl alcohol, isostearyl alcohol, octyldodecanol, volatile silicone oils, nonvolatile silicone oils, fluorosilicones, perfluoro oils, and polysiloxanes modified with at least one of fatty acids, fatty alcohols, and polyoxyalkylenes.

51. (New) The composition according to claim 50, wherein the volatile and nonvolatile silicone oils are chosen from substituted and unsubstituted polydimethylsiloxanes, phenylated silicone oils, and silicone oils that are unsubstituted or substituted with at least one group chosen from aliphatic groups, aromatic groups, and functional groups.

52. (New) The composition according to claim 36, wherein the at least one liquid fatty phase comprises at least one oil that is nonvolatile at room temperature and atmospheric pressure.

53. (New) The composition according to claim 36, wherein the at least one stabilizer is chosen from block copolymers, grafted copolymers, and random copolymers.

54. (New) The composition according to claim 53, wherein the at least one stabilizer is chosen from silicone polymers grafted with at least one hydrocarbon-based chain; hydrocarbon-based polymers grafted with at least one silicone chain; grafted copolymers having an insoluble skeleton comprising polyacrylics with soluble grafts comprising poly(12-hydroxystearic acid); block and grafted block copolymers comprising at least one block comprising polyorganosiloxane and at least one block comprising a radical polymer; block and grafted block copolymers comprising at least one block comprising a polyorganosiloxane and at least one block comprising a polyether; copolymers derived from monomers chosen from C<sub>1</sub>-C<sub>4</sub> alkyl acrylates, C<sub>1</sub>-C<sub>4</sub> methacrylates, C<sub>8</sub>-C<sub>30</sub> alkyl acrylates, and C<sub>8</sub>-C<sub>30</sub> methacrylates; block and

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grafted block copolymers comprising at least one block derived from ethylenic monomers optionally containing conjugated bonds and at least one block comprising a vinyl polymer; block and grafted block copolymers comprising at least one block derived from ethylenic monomers optionally containing conjugated bonds and at least one block comprising an acrylic polymer; block and grafted block copolymers comprising at least one block derived from a diene and at least one block comprising a polyether.

55. (New) The composition according to claim 53, wherein the at least one stabilizer comprises at least one polymer chosen from block and grafted block polymers comprising at least one block derived from a diene and at least one block comprising a vinyl polymer.

56. (New) The composition according to claim 36, wherein the physiologically acceptable medium further comprises at least one additional fatty phase chosen from hydrocarbon-based, silicone based, and fluoro waxes, gums and pasty fatty substances of plant, animal, mineral, and synthetic origin.

57. (New) The composition according to claim 36, wherein the polymer particles are present in the composition in an amount less than or equal to 60% by weight, relative to the total weight of the composition.

58. (New) The composition according to claim 57, wherein the polymer particles are present in the composition in an amount ranging from 2% to 60% by weight, relative to the total weight of the composition.

59. (New) The composition according to claim 58, wherein the polymer particles are present in an amount ranging from 4 to 25% by weight, relative to the total weight of the composition.

60. (New) A product chosen from a stick, a tube, a soft paste, a dish, an oily gel, an oily liquid, a vesicular dispersion containing at least one lipid chosen from ionic and nonionic lipids, a water-in-oil emulsion, an oil-in-water emulsion, and a multiple emulsion, the product comprising a composition comprising:

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a physiologically acceptable medium comprising at least one liquid fatty phase;  
a colloidal dispersion comprising particles that are solid at room temperature, the particles being stabilized with at least one dispersant, wherein the particles are chosen from pigments, nacles, fillers, and mixtures thereof; and  
a dispersion comprising polymer particles that are surface-stabilized in said at least one liquid fatty phase with at least one stabilizer.

61. (New) The product according to claim 60, wherein said composition is anhydrous.

62. (New) The product according to claim 60, wherein said product is chosen from a care product and a makeup product for the skin or the lips.

63. (New) The product according to claim 60, wherein said product is chosen from a foundation, a face powder, an eyeshadow, a lipstick, a lipcare base, a lipcare balm, a concealer product, an eyeliner, and a mascara.

64. (New) A process for making up or caring for the lips or the skin, comprising:

applying to the lips or the skin a cosmetic composition comprising:

a physiologically acceptable medium comprising at least one liquid fatty phase;

a colloidal dispersion comprising particles that are solid at room temperature, stabilized with at least one dispersant, said solid particles being chosen from pigments, nacles, fillers, and mixtures thereof; and

a dispersion comprising polymer particles that are surface-stabilized in said at least one liquid fatty phase with at least one stabilizer.

65. (New) A process for limiting the migration of a makeup or care composition for the skin or the lips comprising at least one liquid fatty phase, said process comprising:

including polymer particles in the at least one liquid fatty phase, the polymer particles being dispersible in the liquid fatty phase and surface-stabilized with at least one stabilizer; and

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including in the at least one liquid fatty phase at least one dyestuff comprising colored particles that are solid at room temperature, the colored particles being in a colloidal dispersion and stabilized with at least one dispersant.

66. (New) A process for increasing the staying power over time of a makeup or care composition for the skin or the lips comprising at least one fatty phase, said process comprising:

including polymer particles in the at least one liquid fatty phase, the polymer particles being dispersible in the liquid fatty phase and surface-stabilized with at least one stabilizer; and

including in the at least one liquid fatty phase at least one dyestuff comprising colored particles that are solid at room temperature, the colored particles being in a colloidal dispersion and stabilized with at least one dispersant.

67. (New) A process for increasing the stability of a makeup or care composition for the skin or the lips comprising at least one liquid fatty phase, said process comprising:

including polymer particles in the at least one liquid fatty phase, the polymer particles being dispersible in the liquid fatty phase and surface-stabilized with at least one stabilizer; and

including in the at least one liquid fatty phase at least one dyestuff comprising colored particles that are solid at room temperature, the colored particles being in a colloidal dispersion and stabilized with at least one dispersant.

68. (New) A process for providing at least one of decreased migration, increased staying power over time, and a uniform makeup result in a composition for caring for or making up the skin, the lips, or the integuments, said process comprising:

including particles comprising at least one polymer in at least one liquid fatty phase of the composition, the particles being surface-stabilized with at least one stabilizer; and

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including a colloidal dispersion comprising particles that are solid at room temperature in the at least one liquid fatty phase, the particles being stabilized with at least one dispersant.

69. (New) The process according to claim 68, wherein the colloidal dispersion comprises colored particles.

70. (New) A process for conserving the gloss of a composition for caring for or making up the skin, the lips, or the integuments, said process comprising:

including in at least one liquid fatty phase of the composition particles comprising at least one polymer that are surface-stabilized with at least one stabilizer; and

including a colloidal dispersion comprising particles that are solid at room temperature to the at least one liquid fatty phase, the particles being stabilized with at least one dispersant.

71. (New) The process according to claim 70, wherein the colloidal dispersion comprises colored particles.

72. (New) A process for manufacturing a stable composition for application to a keratin material, comprising:

introducing into a physiologically acceptable liquid medium:

a) a dispersion comprising polymer particles that are surface-stabilized in at least one liquid fatty phase with at least one stabilizer; and

b) a colloidal dispersion comprising particles that are solid at room temperature, chosen from pigments, nacles, fillers, and mixtures thereof, the particles being stabilized with at least one dispersant; and

mixing said physiologically acceptable liquid medium to which said dispersions a) and b) have been added.

73. (New) A process for stabilizing a composition comprising at least one liquid fatty phase for application to a keratin material, said process comprising:

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including in said composition a colloidal dispersion comprising particles that are solid at room temperature and stabilized with at least one dispersant, the particles being chosen from pigments, nacles, fillers, and mixtures thereof, and

including in said composition a dispersion comprising polymer particles that are surface-stabilized in the at least one liquid fatty phase with at least one stabilizer.

74. (New) A process for providing a uniform appearance to a composition comprising at least one liquid fatty phase for application to a keratin material, said process comprising:

including in said composition a colloidal dispersion comprising particles that are solid at room temperature and stabilized with at least one dispersant, the particles being chosen from pigments, nacles, fillers, and mixtures thereof, and

including in said composition a dispersion comprising polymer particles that are surface-stabilized in the at least one liquid fatty phase with at least one stabilizer.

#### REMARKS

Claims 1-35 have been cancelled without prejudice or disclaimer. New claims 36-74 have been added to more particularly point out and distinctly claim that which Applicants consider to be the invention. No new matter has been added by these amendments. Accordingly, Applicants now await an action on the merits.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

By: 

Brian M. Burn  
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Dated: May 29, 2002

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